

 सत्यमेव जयते	राजस्थान राजपत्र विशेषांक	RAJASTHAN GAZETTE Extraordinary
	साअधिकार प्रकाशित	<i>Published by Authority</i>
	पौष 17, मंगलवार, शके 1941-जनवरी 7, 2020 <i>Pausa 17, Tuesday, Saka 1941-January 7, 2020</i>	

भाग 4 (ग)

उप-खण्ड (II)

राज्य सरकार तथा अन्य राज्य प्राधिकारियों द्वारा जारी किये गये
कानूनी आदेश तथा अधिसूचनाएं।

AGRICULTURE (GR-2) DEPARTMENT
NOTIFICATION

Jaipur, December 12, 2019

S.O.163 .-In exercise of the powers conferred by section 36 of the Rajasthan Agricultural Produce Markets Act, 1961 (Act No. 38 of 1961), the State Government hereby makes the following rules further to amend the Rajasthan Agricultural Produce Markets (Market Committee Employees) Service Rules, 1975 and order with reference to the proviso to sub-section (4) of said section that the previous publication of these rules is dispensed with as the State Government considers that they should be brought into force at once, namely:-

1. Short title and commencement.- (1) These rules may be called the Rajasthan Agricultural Produce Markets (Market Committee Employees) Service (Amendment) Rules, 2019.

(2) They shall come into force at once.

2. Amendment of rule 7.- In sub-rule (a) of rule 7 of the Rajasthan Agriculture Produce Markets (Market Committee Employees) Service Rules, 1975, hereinafter referred to as the said rules, after the existing clause (21) and before the existing clause (22), the following new clause (21A) shall be inserted, namely:-

“(21A) Selection Board means Rajasthan Staff Selection Board.”

3. Amendment of rule 8.- In sub-rule (a) of rule 8 of the said rules,-

(i) the existing proviso (i) shall be substituted by the following, namely:-

“(i) that the upper age limit mentioned above shall be relaxed by,-

(a) 5 years in the case of male candidates belonging to the Scheduled Castes, Scheduled Tribes, Backward Classes and More Backward Classes;

(b) 5 years in the case of woman candidates belonging to General category and Economically Weaker Sections; and

(c) 10 years in the case of woman candidates belonging to the Scheduled Castes, Scheduled Tribes, Backward classes and More Backward Classes;”;

(ii) after the existing proviso (xi), the following new proviso (xii) shall be added, namely:-

“(xii) that the released Emergency Commissioned Officers and Short Service Commissioned officers after released from the Army shall be deemed to be within the age-limit even though they have crossed the age-limit when they appear before the Commission or

selection committee had they been eligible as such at the time of their joining the commission in the Army.”

4. Amendment of rule 64-I.-In rule 64-I of the said rules,-

- (i) in sub-rule (3), for the existing expression "Director or any Officer authorized by him, "the expression "Director or Selection Board/any other Authority authorised by the Director," shall be substituted;
- (ii) in sub-rule (4),
 - (a) for the existing expression "Director or any officer authorised", the expression "Director or Selection Board/ any Authority authorised by the Director," shall be substituted; and
- (b) in proviso,-
 - (i) for the existing expression "Lower Division Clerk, Auction Clerk and Auctioneer", the expression "Junior Assistant" shall be substituted; and
 - (ii) for the existing expression "Director or Authority authorised by the Director", the expression "Director or Selection Board/ or any Authority authorised by the Director" shall be substituted;
- (iii) in clause (a) of sub-rule (5),-
 - (i) for the existing expression "Director or any other authority authorised by him, after selecting regionwise", the expression "Director or Selection Board/any Authority authorised by the Director after selecting" shall be substituted; and
 - (ii) after the existing expression " shall prepare" and before the existing expression "eligibility list", the expression "category wise" shall be inserted.

5. Insertion of new rules 64-V, 64-VI, 64-VII, 64-VIII, 64-IX, 64-X, 64-XI and 64-XII.- After the existing rule 64-IV and before the existing rule 65 of the said rules, the following new rules 64-V, 64-VI, 64-VII, 64-VIII, 64-IX, 64-X, 64-XI and 64-XII shall be inserted, namely:-

“64-V. Nationality.- A candidate for appointment to the service must be,-

- (a) a citizen of India, or;
- (b) a subject of Nepal, or;
- (c) a subject of Bhutan, or;
- (d) a Tibetan refugee who came over to India before 1st January. 1962 with the intention of permanently settling in India or;
- (e) a person of Indian origin who has migrated from Pakistan, Burma, Srilanka and East African countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) Zambia, Malawai, Zaire and Ethiopia with the intention of permanently settling in India:

Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government in the Department of Home Affairs and Justice after proper verification.

64-VI. Conditions of eligibility of persons migrated from other countries to India.- Notwithstanding anything contained in these rules, provisions regarding eligibility

for recruitment to the service with regard to nationality, age limit and fee or other concessions to a person who may migrate from other countries to India with the intention of permanently settling in India shall be regulated by such orders or instructions as may be issued by the State Government, from time to time and the same shall be regulated mutatis mutandis in according to the instructions issued on the subject by the Government of India.

64-VII. Character.- The character of a candidate for direct recruitment to the service must be such as shall qualify him/her for employment in the service. He/she must produce a certificate of good character from the Principal/Academic Officer of the University or College or school in which he/she was last educated and two such certificates written not more than six months prior to the date of application from two responsible persons not connected with his/her College or University or school and not related to him/her.

Note: (i) A conviction by a Court of Law need not of itself involve the refusal of a certificate of good character. The circumstances of the conviction would be taken into account and if they involve no moral turpitude or association with crimes of violence or with a movement which has as its object to overthrow by violent means of the Government by law, as established the mere conviction need not be regarded as disqualification.

(ii) Ex-prisoners who by their disciplined life while in prison and by their subsequent good conduct have proved to be completely reformed should not be discriminated against on grounds of the previous conviction for the purpose of employment in the service. Those who are convicted of offences not involving moral turpitude or violence shall be deemed to have been completely reformed on the production of a report to that effect from the Superintendent, After Care Home or if there are no such Homes in a particular district, from the Superintendent of Police of that district.

(iii) Those convicted of offences involving moral turpitude or violence shall be required to produce a certificate from the Superintendent, After Care Home or if there is no such Home in a particular district, from the Superintendent of Police of that district endorsed by the Inspector General of Prisons to the effect that they are suitable for employment as they have proved to be completely reformed by their disciplined life while in prison and by their subsequent good conduct in an After Care Home.

64-VIII. Application Fee.- A candidate for direct recruitment to a post in the Service must pay the fee fixed by the Selection Board or the Director, as the case may be, in such manner as may be as indicated by them/it.

64-IX. Scrutiny of Applications.- The Director or Selection Board/Authority authorized by the Director, as the case may be, shall scrutinize the applications received by them/it and require, as many candidates qualified for appointment under these rules as seem to them/it desirable, to appear before them/it for written examination or interview, as the case may be:

Provided that decision of the Director or Selection Board/Authority authorised by the Director, as the case may be, regarding the eligibility or otherwise of a candidate shall be final.

64-X. Recommendations.- The Director or authority authorized or Selection Board or the Appointing Authority, as the case may be, shall prepare a list of the candidates whom they consider suitable for appointment to the post(s) concerned and

arrange in the order of category wise merit list on the basis of marks obtained in the written examination/interview and forward the same to the Director:

Provided that,-

- (i) the Director or Selection Board/ Authority authorised, as the case may be, may also to the extent of 50% of the advertised vacancies, keep names of suitable candidates on the reserve lists. The Director or Selection Board/ Authority authorised, as the case may be, on requisition, recommend names of such candidates, in the order of merit to the Director, within six months from the date on which the original list is forwarded by the Director or Selection Board/ Authority authorised, as the case may be.
- (ii) the Director or Selection Board/ Authority authorised, as the case may be, shall not recommend any candidate who has failed to obtain a minimum of 40% marks in each of the paper of the phase-I and a minimum of 36 % marks in each of the paper of the Phase-II of the competitive examination for the post of Junior Assistant. However relaxation in minimum marks upto 5% shall be available in each paper of each phase to Scheduled Caste/Scheduled Tribe category candidates.";

64-XI. Disqualification for appointment.- (1) No male/female candidate, who has more than one wife/husband living shall be eligible for appointment to the service unless the Government, after being satisfied that there are special grounds permissible under personal law for doing so, exempt any candidate from the operation of this rule.

(2) No female candidate who is married to a person having already a wife living shall be eligible for appointment to the service unless the Government, after being satisfied that there are special grounds for doing so, exempt any female candidate from the operation of this rule.

(3) No married candidate shall be eligible for appointment to the service if he/she had at the time of his/her marriage accepted any dowry.

Explanation: For the purpose of this rule, 'dowry' has the same meaning as in the Dowry Prohibition Act, 1961 (Central Act, 28 of 1961).

(4) No candidate shall be eligible for appointment to the service who has more than two children on or after 1-6-2002:

Provided that,-

- (i) the candidate having more than two children shall not be deemed to be disqualified for appointment so long as the number of children he/she has on 1st June, 2002, does not increase.
- (ii) where a candidate has only one child from earlier delivery but more than one child are born out of a single subsequent delivery, the children so born shall be deemed to be one entity while counting the total number of children.
- (iii) while counting the total number of children of a candidate, the child born from earlier delivery and having disability, shall not be counted.
- (iv) the provision of above sub-rule shall not be applicable to the appointment of a widow to be made under the Rajasthan Compassionate Appointment of Dependent of Deceased Government Servants Rules, 1996.

- (v) any candidate who performed remarriage which is not against any law and before such remarriage he is not disqualified for appointment under this sub-rule, he shall not be disqualified if any child is born out of single delivery from such remarriage.

64-XII. Direct recruitment in Rajasthan Scheduled Area.- (1) The recruitment and promotion to the posts situated in Scheduled Areas shall be made in accordance with the provisions of rules applicable to the State Government employees."

6. Amendment of rule 65.- In sub-rule (4) of rule 65 of the said rules,-

- (i) in clause (iii), the existing expression "and" shall be deleted;
- (ii) in clause (iv), for the existing punctuation mark ".", the expression "; and" shall be substituted; and
- (iii) after the clause (iv), so amended, the following new clause (v) shall be added, namely:-

"(v) No person shall be considered for promotion for three recruitment years from the date on which his/her promotion becomes due, if he/she has more than two children on or after 1st June, 2002:

Provided that,-

- (a) the person having more than two children shall not be deemed to be disqualified for promotion so long as the number of children he/she had on 1st June, 2002, does not increase.
- (b) where a person has only one child from the earlier delivery but more than one child are born out of a single subsequent delivery, the children so born shall be deemed to be one entity while counting the total number of children.
- (c) while counting the total number of children of a candidate, the child born from earlier delivery and having disability shall not be counted.
- (d) any person who performed remarriage which is not against any law and before such remarriage he is not disqualified for promotion under this sub-rule, he shall not be disqualified if any child is born out of single delivery from such remarriage."

7. Amendment of rule 65A.- In rule 65A of the said rules,-

- (i) the existing sub-rule (4) shall be substituted following, namely:-

"(4) Appointments shall be made strictly in accordance with the roster prescribed separately for direct recruitment and promotion.

(4A) In the event of non-availability of the eligible and suitable candidates amongst the Scheduled Castes or Scheduled Tribes, as the case may be, for direct recruitment, in a particular year, the vacancies so reserved for them shall be carried forward to the subsequent three recruitment years. After the expiry of three recruitment years, such carried forward vacancies shall be filled in accordance with the normal procedure:

Provided that if recruitment is not held in any recruitment year, such recruitment year shall not be counted for the purpose of this sub-rule.

Provided further that filling up of the vacancies in accordance with the normal procedure under this sub-rule shall not affect the reservation of posts as per the post based roster and vacancies on the reserved posts available in the roster may be filled in from amongst the persons belonging to the Scheduled Castes or Scheduled Tribes, as the case may be, for which such vacancy is available in subsequent years.

(4B) In the event of non availability of the eligible and suitable candidates for promotion amongst the Scheduled Castes and the Scheduled Tribes, as the case may be, in a particular year, the vacancies so reserved for them shall be carried forward until the suitable Scheduled Castes and the Scheduled Tribes candidate(s), as the case may be, are available. In any circumstances no vacancy reserved for Scheduled Castes and the Scheduled Tribes candidates shall be filled by promotion from General category candidates. In exceptional cases, where in the public interest the Director feels that it is necessary to fill up the vacant reserved post(s) by promotion from the General category candidates on urgent temporary basis, the Director may make a reference to the Administrative Department and after obtaining prior approval of the Administrative Department, they may fill up such post(s) by promoting the General category candidate(s) on urgent temporary basis clearly stating in the promotion order that the General category candidate(s) who are being promoted on urgent temporary basis against the vacant post reserved for Scheduled Castes or the Scheduled Tribes candidates, as the case may be, shall have to vacate the post as and when the Candidate(s) of that category become available.

Provided that there shall be no carry forward of the vacancies in posts or class/ category/ group of posts in any cadre of Service to which promotions are made on the basis of merit alone, under these rules.";

- (ii) in sub-rule (5), for the existing expression "disabled persons", the expression "persons with benchmark disabilities" shall be substituted;
- (iii) in sub-rule (6), for the existing expression "junior clerk (L.D.C.), auction clerks and auctioneers", the expression "Junior Assistant" shall be substituted;
- (iv) in sub-rule (7), for the existing expression "Others Backward Classes, Special Backward Classes and Economically Backward Classes", wherever occurring, the expression "Backward Classes, More Backward Classes, and Economically Weaker Sections" shall be substituted;
- (v) the existing sub-rule (8) shall be substituted by the following, namely:-

"(8) Reservation of vacancies for women candidates shall be 30% category wise in the direct recruitment, out of which one third shall be for widows and divorced women candidates in the ratio of 80:20. In the event of non availability of eligible and suitable candidates, either in widow or in divorcee, in a particular year, the vacancies may first be filled by interchange, i.e. vacancies reserved for widows to the divorcees or vice versa. In the event of non availability of sufficient widow and divorcee candidates, the unfilled vacancies, shall be filled by other women of the same category and in the event of non availability of eligible and suitable women candidates, the vacancies so reserved for them shall be filled up by male candidates of the category for which vacancy is reserved. The vacancy so reserved for women candidates shall not be carried forward to the subsequent year. The reservation for women including widows and divorcee women shall be treated as horizontal reservation, within the category, i.e. even the women selected in general merit of the category shall first be adjusted against the women quota.

Explanation: In the case of widow, she will have to furnish a certificate of death of her husband from the Competent Authority and

in case of divorcee she will have to furnish the proof of divorce."; and

- (vi) after the sub-rule (8), so substituted, the following new sub-rule (9) and (10) shall be added, namely:-

“(9)Reservation of vacancies for Economically Weaker Sections shall be 10% in direct recruitment in addition to the existing reservation. In the event of non- availability of eligible and suitable candidate amongst Economically Weaker Sections in a particular year, the vacancies so reserved for them shall be filled in accordance with the normal procedure.

Explanation: For the purpose of this rule 'Economically Weaker Sections' shall be the persons who are bonafide resident of Rajasthan and not covered under the existing scheme of reservations for the Scheduled Castes, the Scheduled Tribes, the Backward Classes, the More Backward Classes and whose family has gross annual income below rupees 8.00 lakh. Family for this purpose will include the person who seeks benefit of reservation, his/her parents and siblings below the age of 18 years as also his/her spouse and children below the age of 18 years. The income shall include income from all sources i.e. salary, agriculture, business, profession etc. and it will be income for the financial year prior to the year of application.

- (10) Reservation of vacancies for outstanding sports persons shall be 2 % of the total vacancies in that year earmarked for direct recruitment. In the event of non-availability of the eligible and suitable sportspersons in a particular year, the vacancies so reserved for them shall be filled in accordance with the normal procedure and such vacancies shall not be carried forward to the subsequent year. The reservation for sportspersons shall be treated as horizontal reservation and it shall be adjusted in the respective category to which the sportspersons belong.

Explanation: "Outstanding sportspersons" shall mean and include the sportspersons belonging to the State, who,-

- (i) represented Indian Team in Individual or in Team event in any International Tournament of any Sports and Games, recognized by the Indian Olympic Association or concerned recognized National Sports Federation;

or

- (ii) represented Indian Team in Individual or an Team event in any International Tournament of any Sports and Games, recognized by the Indian School Sport Federation or concerned recognized National School Games Federation;

or

- (iii) Medal Winner in the individual or in Team event in any National Tournament of any Sports and Games, recognized by the Indian Olympic Association or concerned recognized National Sport Federation;

or

- (iv) Medal Winner in the All India Inter University Tournament in Individual event or in Team event in the any Sports and Games, recognized by Indian Universities Association."

8. Amendment of Appendix 'A'.- In Group-"A" of Appendix 'A' appended to the said rules,-

- (i) in column 4, against the serial number 2, for the existing expression "Senior Clerk", the expression "Senior Assistant" shall be substituted;
- (ii) in column 1, against the serial number 3, for the existing expression "Senior Clerk (UDC)", the expression "Senior Assistant" shall be substituted;
- (iii) in column 4, against the serial number 3, for the existing expression "1. Junior Clerk (L.D.C.) 2. Auction Clerk 3. Auctioneer", the expression "Junior Assistant" shall be substituted;
- (iv) in column 1, against the serial number 4, for the existing expression "Junior Clerk (LDC)", the expression "Junior Assistant" shall be substituted;
- (v) the existing entries in column number 3, against serial number 4, shall be substituted by the following, namely:-

"A Working knowledge of Hindi written in Devnagri script and knowledge of Rajasthani culture.

and

B. Senior Secondary from a recognized Board or its equivalent examination,

and

"C". "O" or Higher Level Certificate Course conducted by DOEACC under control of the Department of Electronics, Government of India.

or

Certificate course on Computer concept by NIELIT, New Delhi

or

Computer Operator & Programming Assistant (COPA)/Data Preparation and Computer Software (DPCS) certificate organised under National/State Council or Vocational Training Scheme,

or

Degree/Diploma/Certificate in Computer Science /Computer Application from a University established by law in India or from an institution recognised by the Government.

or

Senior Secondary Certificate from a recognized Board of Secondary Education in the Country, with computer Science/ Computer Application as one of the subjects.

or

Diploma in Computer Science & Engineering from a polytechnic institution recognised by the Government.

or

Rajasthan State Certificate Course in Information. Technology (RSCIT) conducted by Vardhaman Mahaveer Open University, Kota under control of Rajasthan Knowledge Corporation Limited."

- (vi) the existing entries in column number 5, against serial number 4, shall be substituted by the following, namely:-

"A. Senior Secondary from a recognized Board or its equivalent examination,

and

B. "O" or Higher Level Certificate Course conducted by DOEACC under control of the Department of Electronics, Government of India.

or

Certificate course on Computer concept by NIELIT, New Delhi

or

Computer Operator & Programming Assistant (COPA)/Data Preparation and Computer Software (DPCS) certificate organised under National/State Council or Vocational Training Scheme.

or

Degree/Diploma/Certificate in Computer Science/Computer Application from a University established by law in India or from an institution recognised by the Government.

or

Senior Secondary Certificate from a recognized Board of Secondary Education in the Country, with computer Science/ Computer Application as one of the subjects.

or

Diploma in Computer Science & Engineering from a polytechnic institution recognised by the Government.

or

Rajasthan State Certificate Course in Information Technology (RSCIT) conducted by VardhamanMahaveer Open University, Kota under control of Rajasthan Knowledge Corporation Limited."

and

C. Five years' experience on the post mentioned in column number 4."

(vii) the existing entries in column number 8, against serial number 4, shall be substituted by the following, namely:-

"The existing Auction Clerk and Auctioneer shall be re-designated as the Junior Assistant."

(viii) the existing serial number 5 and entries thereto shall be deleted; and

(ix) the existing serial number 6 and entries thereto shall be deleted.

9. Amendment of Appendix-E.- In Appendix-E appended to the said rules,-

(i) in heading existing expression "LOWER DIVISION CLERK CADRE, AUCTION CLERK AND AUCTIONEER", the expression "JUNIOR ASSISTANT" shall be substituted; and

(ii) in Explanation (5), for the existing expression "40 % marks in the Phase-I", the expression "40 % marks in each of the paper of Phase-I" shall be substituted.

[No. F- 4(9)/agri-2/2004]

By Order of the Governor,

Lal Chand Gurjar,

Dy. Secretary to the Government.

Government Central Press, Jaipur.